

OGC Has Reviewed

27 January 1947

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MEMORANDUM FOR CHIEF, SPECIAL FUNDS SECTION

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Subject: Permanent Station of [REDACTED]

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1. Reference is made to your memorandum to this office, dated 21 January 1947, and attached memorandum from [REDACTED] to Special Funds Section, dated 17 January 1947, both concerning the above subject. The latter is returned herewith. [REDACTED] states that [REDACTED] entered on duty with CIO on 6 January 1947, and [REDACTED] was listed as his permanent place of duty. Blake points out that [REDACTED] has been in Washington on duty for a two week period and probably will stay here for at least one more week. [REDACTED] also states that [REDACTED] permanent place of residence has been Washington, D. C., and, upon transfer to [REDACTED], it is desired that his household effects be moved at Government expense. He therefore requests that the entry on initial employment papers be changed from [REDACTED] to Washington, D. C., as [REDACTED] permanent place of duty.

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2. There is a long established rule in connection with employment by the Government which requires employees to place themselves at their first bona fide duty station at their own expense (14 Com. Gen. 564, 22 January 1935). It appears that [REDACTED] intended place of duty is [REDACTED], regardless of the fact that he may be required to perform three or four weeks of duty in Washington. This has been confirmed by conversations with [REDACTED]. Therefore, it must be concluded that the first post of actual permanent duty is [REDACTED] and cannot be changed by merely entering on initial employment papers the official permanent duty station as Washington, D. C. The location of an employee's official headquarters is determined from the principal place of his work rather than from a mere designation in an order. (22 Comp. Gen. 725, 1 February 1943).

3. In view of the above facts and rulings of the Comptroller General, it appears that [REDACTED] duty at Washington must be considered temporary duty, and his permanent duty station must be considered [REDACTED]. Therefore, he will be required to place himself at his first duty station at his own expense.

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4. Normally, an employee may be paid per diem while traveling or at a temporary duty station where the official authorized to issue travel orders has authorized in such order a per diem allowance not to exceed \$8.00 in lieu of subsistence expenses.

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It is to be noted that the \$6.00 per diem is specified as a maximum to cover expenses. Where the official authorized to approve per diem administratively determines that the expenses to a traveler are less than the maximum allowable, he may prescribe a smaller per diem allowance. In view of the fact that Beane was living at home in his permanent place of residence while on temporary duty in Washington, there appears to be no justification in the authorizing or payment of a per diem during such period.

LAWRENCE H. HOUSTON  
General Counsel

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